

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**



Serial No. : 10/590,342
Applicants : Keiji HASUMI et al.
Filed : August 24, 2006
For : ANTICANCER AGENT CONTAINING
BL-ANGIOSTATIN
Art Unit : 1642
Docket No. : 06506/HG
Confirm. No.: 7064
Customer No.: 01933

**RESPONSE TO NOTICE TO COMPLY WITH REQUIRE-
MENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES - FILING DATE GRANTED**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

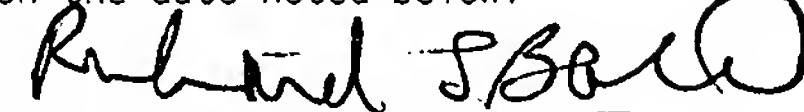
MAIL STOP MISSING PARTS

S I R :

The NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES - Filing Date Granted (a copy of which is enclosed) alleged that the above-identified application did not comply with the sequence rules 37 CFR 1.821-1.825 because a Sequence Listing was not submitted. The aforesaid NOTICE required compliance within two months from September 26, 2008, the mailing date of said NOTICE.

CERTIFICATE OF MAILING

I hereby certify this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:
MAIL STOP MISSING PARTS
Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450
on the date noted below.


Attorney: Richard S. Barth

Dated: October 15, 2008

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by the attached Form PTO-2038, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

For the following reason, it is respectfully submitted that a Sequence Listing is not required for the above-identified application.

37 CFR 1.821(a) provides as follows:

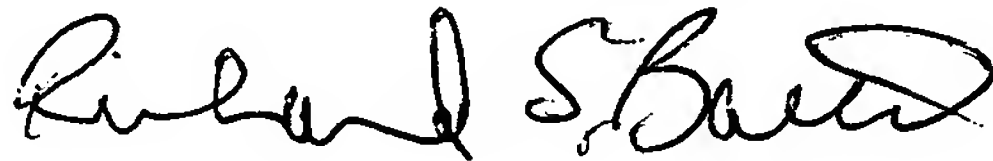
"§1.821 Nucleotide and/or amino acid sequence disclosures in patent applications.
(a) Nucleotide and/or amino acid sequences as used in §§1.821 through 1.825 are interpreted to mean **an unbranched sequence of four or more amino acids** or an unbranched sequence of ten or more nucleotides. Branched sequences are specifically excluded from this definition. **Sequences with fewer than four specifically defined nucleotides or amino acids are specifically excluded from this section.**" (emphasis supplied)

As seen from the above-quoted section of 37 CFR 1.821(a), a Sequence Listing is not required for sequences with fewer than four amino acids. The above-identified application refers to peptides or protein fragments only in the context of a beginning amino acid and an ending amino acid, for example Met¹-Gly¹⁹. Thus, peptides and protein fragments are defined in the above-identified application by only **two amino acids**.

In view of the above, it is respectfully submitted that a Sequence Listing is not required by 37 CFR 1.821-1.825. Accordingly, withdrawal of the requirement in said NOTICE is respectfully requested.

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Respectfully submitted,

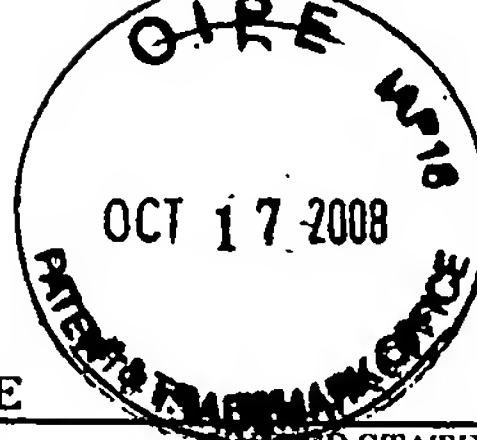


Richard S. Barth
Reg. No. 28,180

Enc.: copy of USPTO NOTICE dated September 26, 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

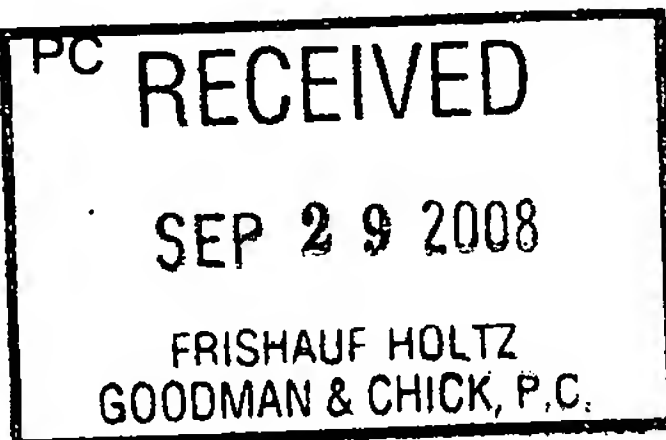


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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,342	Keiji Hasumi	06506/HG

1933

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INTERNATIONAL APPLICATION NO.	
PCT/JP04/02124	
I.A. FILING DATE	PRIORITY DATE
02/24/2004	

CONFIRMATION NO. 7064
371 FORMALITIES LETTER



Date Mailed: 09/26/2008

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Filing Date Granted

*Missing Parts
Due 11/26/08*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to comply with the sequence rules, 37 CFR §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extension of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Direct the response to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

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